

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN ARCHULETA,

Plaintiff,

vs.

Civil No. 09-116 RLP

**MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER comes before the court *sua sponte*. On October 5, 2009, this court entered an Order Setting Briefing Schedule. (Docket No. 12). Pursuant to the Order, Plaintiff was required to file a Motion to Reverse or Remand Administrative Decision with Supporting Memorandum on or before December 4, 2009. Plaintiff has filed no Motion, and has not sought leave of the court to an extension of time.

Although Plaintiff is proceeding in this case without an attorney, he bears the responsibility of prosecuting this case with due diligence. While the Court must liberally construe *pro se* filings, *pro se* status does not excuse the obligation of any litigant to comply with the same rules of procedure that govern other litigants. *See Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir.1992), cert. denied, 507 U.S. 940, 113 S.Ct. 1336, 122 L.Ed.2d 720 (1993); *see also Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir.1994). Plaintiff is hereby advised that his case is subject to dismissal pursuant to F.R.Civ.P. 41(b) for failure to prosecute or comply with the court's orders. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule long has been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the

rules of civil procedure or the court's orders.)

IT IS THEREFORE ORDERED that on or before **February 1, 2010** Plaintiff must either file a Motion to Reverse or Remand or must show cause why he has not done so. Failure to file the motion, or otherwise show cause, will result in dismissal of the case without prejudice.



RICHARD L. PUGLISI
Chief United States Magistrate Judge